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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MUENCH PHOTOGRAPHY, INC.,

Plaintiff,

- v -

HOUGHTON MIFFLIN HARCOURT
PUBLISHING COMPANY and R.R.
DONNELLEY & SONS COMPANY,

Defendants.

09-CV-2669 (LAP) (JCF)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, Defendants Houghton Mifflin Harcourt Publishing Company and R.R. Donnelley & Sons Company will move this Court before the Honorable Loretta A. Preska, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, NY, 10007, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, for an order dismissing the Complaint herein on the grounds that the Court lacks subject matter jurisdiction over the copyright claims set forth in the Complaint due to Plaintiff's failure to allege valid registrations for the copyrights at issue.

In support of this motion, Defendants submit the accompanying memorandum of law, dated May 15, 2009, and the Declaration of Kenneth A. Plevan, dated May 15, 2009.

Dated: May 15, 2009

Respectfully submitted,

s/ Kenneth A. Plevan
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